

# **Rules For Family Day Care Homes**

## **INDICATOR MANUAL**



### **BRIGHT FROM THE START**

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**Child Care Learning Centers and Group Day Care Homes Licensing Packet****Table of Contents**

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## INTRODUCTION

This Family Day Care Home Indicator Manual is designed for use by licensing staff to determine compliance with the recently implemented family day care home rules and regulations, effective March 1, 1994. It is also designed to assist family day care providers in understanding and meeting the rules and regulations.

The contents of the manual include the following:

- All rules included in CHAPTER 290-2-3 Family Day Care Homes, presented in **bold print**

- Explanations and measurable indicators sections 290-2-3-.04 through 290-2-3-.14

- An Appendix containing forms and additional information referenced either in the rules or explanations that follow the rules

Following each rule or logical group of rules in sections 290-2-3-.04 through 290-2-3-.16 you will find the explanations and indicators under key headings described below:

**Explanation**      An explanation is provided to assist in understanding the rule and in complying; some explanations to include educational and resource information.

**Indicators**      These include the methods used by licensing staff to measure provider's compliance with rules during an inspection developed for rules or logical groups of rules.

This document should enhance the inspection process by providing licensing staff and family day care home providers with a better understanding of the requirements in preparation for registration, for any inspection, and for ongoing compliance.

**290-2-3-.01 Legal Authority.** These rules are adopted and published pursuant to the Official Code of Georgia Annotated (O.C.G.A.) Sec. 49-5-1 et seq.

Authority O.C.G.A. Chapter 49-5-3; Chapter 49-5-8.

**290-2-3-.02 Title and Purpose.** These rules shall be known as the Rules and Regulations for Family Day Care Homes. The purpose of these rules is to provide for the registration of family day care homes within Georgia.

Authority O.C.G.A. Chapter 49-5-3; Chapter 49-5-8.

**290-2-3-.03 Definitions.** In these rules, unless the context otherwise requires, the words and phrases set forth herein shall mean the following:

- (a) "Adult" means any competent individual eighteen (18) years of age or older.
- (b) "Certificate of Registration" or "Registration" means a certificate issued by the Department to a family day care home provider upon receipt of a self-certification statement that the provider has met the Rules and Regulations for Family Day Care Homes.
- (c) "Child" or "Children" means any person(s) under 18 years of age for whom day care service(s) is (are) provided in a home. For purposes of these rules, the terms shall not include children that are related to the registrant as defined in these rules or children whose parents or guardians reside in the same residence, or children for whom no pay, either in cash or in kind, is received.
- (d) "Crime" means any felony, a violation of O.C.G.A. Sec. 16-5-23, relating to simple battery, where the victim is a minor; a violation of O.C.G.A. Sec. 16-21-1, relating to contributing to the delinquency of a minor; a violation of O.C.G.A. Sec. 16-6-1 et seq., relating to sexual offenses, excluding the offenses of bigamy or marrying a bigamist; a violation of O.C.G.A. Sec. 16-4-1, relating to criminal attempt when the crime attempted is any of the crimes specified by this paragraph; or any other offenses committed in another jurisdiction which, if committed in this state, would be one of the enumerated crimes listed in this paragraph.
- (e) "Criminal record" means:
  - 1. conviction of a crime; or
  - 2. Arrest, charge, and sentencing for a crime where:
    - (i) A plea of nolo contendere was entered to the charge; or
    - (ii) First offender treatment without adjudication of guilt: pursuant to the charge was granted; provided, however, that this division shall not: apply to a violation of O.C.G.A. 16-13-1 et seq., relating to Controlled substances, or any other offense committed in another jurisdiction which, if it were committed in this state, would be a violation of O.C.G.A. Sec. 16-13-1 et seq. if

such violation or offense constituted only simple possession; or

(iii) Adjudication or sentence was otherwise withheld or not: entered on the charge; provided, however, that this division shall not apply to a violation of O.C.G.A. Sec. 16-13-1 et seq. relating to controlled substances, or any other offense committed in another jurisdiction which, if it were committed in this state, would be a violation of Chapter 13 of Title 16 if such violation or offense constituted only simple possession; or

3. Arrest: and being charged for a crime if the charge is pending, unless the time for prosecuting such crime has expired pursuant to O.C.G.A. Sec. 17--3-1 et seq.

- (f) "Department" means, Bright From the Start: Georgia Department of Early Care and Learning
- (g) "Employee" means, any person, other than the registrant, employed by a home to perform any of the home's duties which involve personal contact between that person and any child being cared for at the home and also includes any adult person who resides at the home or who, with or without compensation, performs duties for the home which involve personal contact between that person and any child being cared for by the home.
- (h) "Family Day Care Home" and "Home" means, a private residence operated by any person who received therein for pay for supervision and care fewer than 24 hours per day, without transfer of legal custody, three but not more than six children under 18 years of age who are not related to such persons and whose parents or guardians or not residents in the same private residence.
- (i) "Fingerprint records check determination" means, a satisfactory or unsatisfactory determination by the department based on a records check comparison of Georgia Crime Information Center (GCIC) information with fingerprints and other information in a records check application.
- (j) "Parent" means, the parent(s) with lawful custody of the child or the legal guardian(s) of a child enrolled in or in the process of being enrolled in a home.
- (k) "Plan of correction" means, a written plan prepared by the registrant and submitted to and approved by the department which states the procedure(s), method(s) and time frame(s) that will be used by the registrant to correct the area(s) of noncompliance with these rules.
- (l) "Preliminary records check application" means, an application for a preliminary records check determination of forms provided by the department.

- (m) **"Preliminary records check determination"** means, a satisfactory or unsatisfactory determination by the department based only upon a comparison of Georgia crime Information Center (GCIC) information with other than fingerprint information regarding the person upon whom the records check is being performed.
- (n) **"Preschool age"** means, any child under five years of age who is not enrolled in public kindergarten.
- (o) **"Provider"** means, the registrant of the family day care home, and the person that provides care in the home.
- (p) **"Records check application"** means, two sets of classifiable fingerprints, a records search fee to be established by the Department by rule and regulation, payable in such form as the Department may direct to cover the cost of a fingerprint records check, and an affidavit by the applicant disclosing the nature and date of any arrest, charge, or conviction of the applicant for the violation of any law, except for motor vehicle parking violations, whether or not the violation occurred in this state, and such additional information as the department may require.
- (q) **"Related"** means, within the second degree of consanguinity or affinity (grandchildren, nieces, nephews, first cousins).
- (r) **"Satisfactory determination"** means, a written determination that a person for whom a records check was performed was found to have no criminal record.
- (s) **"Supervision" and "supervised"** means, that the provider is alert, is providing watchful oversight to the children, is able to respond promptly to the needs and actions of children, and can intervene promptly in the case of an emergency.
- (t) **"Unsatisfactory determination"** means, a written determination that a person for whom a records check was performed has a criminal record.

## 290-2-3-.04

## Registration Requirements and Applications.

- (1) **Registration Requirement.** No person shall operate a family Day Care Home in the state unless a Certificate of Registration has been obtained from the department.
- (2) **Applications.** An application for a registration to operate a home shall be submitted to the Department on the forms provided by the department. Any person that provides care for more than six children for pay, as defined in these rules, shall make application to the department for a license to operate as either a Group Day Care Home or a Day Care Center.

**Explanation**

When the seventh child is present for pay, regardless of relationship, the legal definition of "Group Day Care Home" is met. A Group Day Care Home is legally defined as: "Any place operated by any person(s), partnership, association or corporation wherein are received for pay for group care not less than seven (7) nor more than eighteen (18) children under eighteen (18) years of age for less than twenty-four (24) hours without transfer of legal custody and which is required to be licensed or commissioned by the department." (O.C.G.A. 49-5-3-18)

A Group Day Care Home may not legally operate without a license; an application must be submitted to the Department, an inspection conducted verifying compliance with rules, and approval to operate given before additional children are accepted for care. Failure to obtain departmental approval in advance may result in monetary fines or other penalties.

Application materials may be obtained from Bright From the Start: Georgia Department of Early Learning and Care.

- (a) **Criminal Records Check Required.** The provider and employees of a home must submit to criminal records checks in connection with any application for a registration.
- (1) **Preliminary Records Check.** Before a registration to operate a home may be issued there shall be on file with the Department a satisfactory preliminary criminal records check determination on the provider and a preliminary records check application for all employees, to include adult persons who reside at the home or who, with or without compensation, perform duties at the home which include personal contact between that adult person and children in care.

**Explanation**

The law requiring criminal background checks covers all adults living in the family day care home and all other adults who assist the provider. This includes any substitutes who are normally or routinely used. If criminal records check applications are not submitted on these other adults, the registration application will not be processed. Criminal records check application forms may be obtained from: Bright From the Start: Georgia Department of Early Care and Learning, 10 Park Place, Suite 600, Atlanta, GA 30303-2905.

2. **Ongoing Requirements.** Before a person may work in a registered home, the provider shall cause the person to be employed to submit a preliminary records check application to the Department. The provider shall also cause any adult person, as defined above in subparagraph 1, to submit a preliminary records check application to the department.
- (i) No person having an unsatisfactory determination as to his or her criminal record may be a provider or employee of a home. No adult person having an unsatisfactory determination as to his or her criminal record may reside at the home and have contact with children.
3. **Penalties.** A registration is subject to suspension or revocation and the department may refuse to issue a registration if a provider or employee, to include an adult person as defined in subparagraph 1. above, does not
  - (b) Undergo the records checks applicable and receive a satisfactory determination. A provider of a home having an employee whom that director knows, or should reasonably know, to have a criminal record shall be guilty of a misdemeanor.
1. A registration will be issued, upon presentation of evidence satisfactory to the Department that the home is in compliance with applicable statutes and these rules. The registration is valid for one year unless voluntarily surrendered by the holder, or reduced to a restricted registration or suspended or revoked by the Department.

**Qualifications Requirement.** In order to obtain or retain a registration, the provider of the home and its employees must be qualified, as defined in these rules, to administer or work in a home. The department may presume that the provider and employees are qualified, subject to satisfactory determinations on the criminal records checks. However, the department may require additional reasonable verification of the qualifications of the provider and employees either at the time of application for a registration or at any time during the registration period whenever the department has reason to believe that provider or employee is not qualified under these rules to administer or work in a home.

- (i) Reasonable verification which may be required by the Department may include, but need not be limited to any or all of the following: statement(s) from an attending physician or other health care professionals attesting to the mental and/or physical health of the provider and/or employee; letters of reference from designated persons in the community where the provider and/or employee intends to work or is working; certified copies of court orders and additional criminal records check.
2. **Registration is nontransferable.** A registration to operate a home is not transferable in any way. A change of residence or address requires a new registration. Each registration shall be returned to the Department immediately upon the closure of the home, or the suspension, revocation, or restriction of the registration.



**Explanation**

Because registration certificates do not transfer from one location to another location, it is critically important that the Department be notified immediately when a provider moves. When a provider moves, in a new criminal records check application (including fingerprint cards) will have to be submitted if the provider's current results are more than one year old.

- 3. Renewal of Registration. A registration will be renewed upon the filing of a renewal application and a determination by the Department that the home presents satisfactory evidence of meeting the standards set forth in these rules.**

**Explanation**

Two months prior to the expiration of a certificate, registration materials will be sent to the provider. These should be completed and returned to the department immediately.

- (c) Denial of Application for Registration. The Department may deny a registration to an applicant for knowingly making any false statement in connection with the application for a registration, for failing to comply with these rules and regulations, for flagrant and continues operation of an unregistered home in contravention of the law, for prior denial or revocation of any registration or license within one year of the date of the application and for failure to provide the department access to the home or to information pertinent to the initial registration of the home.**
- 1. Notice of Denial. The Department will provide an applicant a written notice of the denial of registration. The applicant shall be afforded an opportunity for a hearing in accordance with applicable law and regulations. However, the Department may deny an application without holding a hearing prior to the denial.**
- (d) No home shall claim to be a registered Family Day Care Home unless it has been issued a current and valid registration by the Department.**

**290-2-3-.05                    Inspections and Investigations.**

The Department is authorized and empowered to conduct investigations and on-site inspections of any home during the operating hours of the home. The proposed and current provider and employees shall cooperate with any inspection or investigation by responding truthfully to any legitimate departmental inquiry.

- (a) **Consent to Entry.** An application for a registration to operate a home or the issuance of a registration by the Department constitutes consent by the applicant, and provider, for the department's representative, after displaying identification to any home staff, to enter the premises at any time children are being cared for in the home. This includes both scheduled and unscheduled inspections and includes consent for meaningful access to all staff, parts of the premises of the home where children may be in care, all children present, and records required by these rules. The Department shall have the authority to require the production of any books, records, papers, or other information related to the initial or continued registration of the home.

**Explanation**

It is not the Department's intent to be intrusive. The normal procedure will be to inspect only those areas of the home used by children, including all rooms used for napping. However, there may be times when staff will ask to walk through the other areas of the home. As an example, when a complaint is received alleging that more than six (6) children are in care, staff will ask to see all areas of the home so that the allegation can be either verified or ruled out.

- (b) **Failure to Allow Access.** Failure to allow access of the department's representative to the home, its staff, or the children receiving care at the home or the books, records, papers, or other information related to initial or continued registration, or failure to cooperate with a departmental inspection or investigation shall constitute good cause for the denial, restriction, revocation or suspension of a registration, or other penalty as provided by law.

**290-2-3-.06****Parental Access.**

**The parent(s) and guardian(s) or a child shall be permitted access to all child care areas of the home at all times a child is in attendance.**

**Explanation**

Parents should be encouraged to observe and participate in the care of their children. This rule ensures parents' right of access, providing the opportunity to monitor the quality of care their children receive.

**Indicators**

Talk to the provider about how she informs parents of this rule. This rule is noted in the Parents Handbook which is provided by the department at initial registration. If each parent is given a copy of the handbook, the rule will be met. Remind providers that they may make additional copies of the handbook as needed.

## 290-2-3-.07

## Staffing and Supervision

- (1) The provider shall be at least 21 years of age. Effective March 1, 1994, providers who apply for initial registration shall have a high school diploma, General Education Diploma (GED), or similar credentials.

**Explanation**

This rule set the minimum qualifications for the provider, who is ultimately responsible for the children's health and safety. The education requirement only applies to providers who register for the first time as of March 1, 1994. Providers who registered before March 1, 1994, do not have to meet the diploma requirement.

**Indicator**

For new registrants, ask the provider if she/he has a high school diploma or GED. If a provider is currently working on a GED, ask for verification of this, and note it on the inspection form. This information is also requested on the registration form.

- (2) The provider shall have current evidence of successful completion of a biennial training program in cardiopulmonary resuscitation (CPR) and a triennial training program in first aid which have been offered by certified or licensed health care professionals and which dealt with emergency care for infants and children. Additionally, within one year of the effective date of these rules and thereafter on an annual basis, the provider shall attend ten clock hours of diverse training which is related to care of children and which is offered by an accredited college, university or vocational program or other department approved course. Records of completion of such training programs shall be maintained in the home by the provider, as required by rule .08(5). The ten clock hours of training shall be chosen from the following fields:
  - (a) Child Development: including discipline, nutrition, injury control and safety;
  - (b) Health: including sanitation, disease control, cleanliness, detection and disposition of illness; and
  - (c) Child Abuse and Neglect: including identification and reporting, and meeting the needs of abused and/or neglected children.
  - (d) Business Related Topics: including parental communication, recordkeeping, etc.; provided however that such business related training shall be limited to no more than two of the required ten clock hours of training.

**Explanation**

Providers have one year, to obtain their first ten hour of training. The ten (10) hours should be diverse, not just isolated to one topic. CPR and First Aid are in addition the ten hour training requirement and should be scheduled immediately, unless a provider already has verification of current: CPR and First Aid. The provider must have a certification card or other verification of CPR and First Aid signed by a certified instructor, licensed emergency medical technician, nurse, or other health care professional. CPR must be renewed every two years and First Aid every three years. Applicable CPR courses include American Heart Association or American Red Cross:

Course B, applicable to adults, child, and infant;  
Course D, applicable to infants through age 8

If a provider has evidence of any CPR and/or First Aid training which is still current, this is acceptable until the card expires, at which time infant/child courses should be taken.

The time frame for training will be the same as the provider's registration dates. A 30 day grace period will be applied so that training taken 30 days before or after registration dates can count.

**Indicators**

Ask the provider for verification of current CPR and First Aid training per the rule.

Ask for verification of at least (ten) 10 hours of training, in the areas specified in the rule. Verification must include the provider's name, date of training, name of course, number of clock hours, and the signature of the trainer or representative of the group providing training.

Training offered by an accredited college, university, or vocational program does not have to be approved by the department.

**(3) The provider and employees shall:**

- (a) **Never have been shown by credible evidence, e.g. a court of jury, a department investigation or other reliable evidence to have abused, neglected, sexually exploited, or deprived a child or adult or to have subjected any person to serious injury as a result of intentional or grossly negligent misconduct as evidenced by an oral or written statement to this effect obtained at the time of application and re-registration; and**
- (b) **Not be suffering from any physical handicap or mental health disorder, which would interfere with the ability to perform adequately the job duties of providing for the care and supervision of the children residing in the home in accordance with these rules; and**
- (c) **Not have made any material false statements concerning qualifications requirements either to the Department or the provider.**

**Explanation**

These rules are contained as statements on the registration application form. The provider's signature on the form constitutes compliance with the rule. If information to the contrary is called to the Department's attention about any of these items, additional information will be requested of the provider and/or other agencies/persons.

- (4) **Notwithstanding the limitation to six children prescribed by the definition of a family day care home, a provider may care for two additional children who are three years and older for two designated one hour periods daily upon approval by the department.**

**Explanation**

Application for the two hour period is on the Registration Form and must be completed accurately by the provider. The two additional children must be at least 3 years old.

**Indicator**

Document on the inspection checklist form the two hour period for the two additional children:

- (5) **At least one adult shall supervise children at all times. Such adult, if not the provider, shall receive orientation regarding these rules; the provider's policies regarding discipline, injuries and illnesses, and release of children; the provider's written plan for handling emergencies; and appropriate information about any child's specific health needs. Plans shall be made to obtain additional adult help in cases of emergencies.**

**Explanation**

"Supervision" is defined in these rules. It means that the provider is alert, is providing watchful oversight to the children, is able to respond promptly to the needs and activities of the children, and can intervene promptly in case of an emergency. The responsible adult must stay on the same floor of the house with the children, including naptime. If several rooms are used for napping, the doors to the rooms are to remain open, with the adult checking on the children frequently. The adult shall be present outside providing supervision per the rule during outside play.

The areas of orientation listed in the rules are the basic items a substituting adult should be familiar with in order to adequately care for and protect the children. Orientation must be documented.

**Indicator**

Observe the way in which children are supervised. Notice particularly if children are wandering aimlessly around with no adult nearby or if children are isolated in rooms or areas. If this is observed, discuss it with the provider immediately and ensure that corrective action is taken immediately.

List all adults who assist the provider on the inspection form and ask provider for evidence that orientation has been provided. Evidence may be a signed checklist or anything similar.

- (6) Effective one year from the effective date of this chapter, whenever other children are present in the home (the provider's own children, other related children, other children who also reside in the home, children for whom no pay or compensation is received, etc.) the total

In lieu of requiring each child four years and older to take a swimming test, the provider may accept copies of verifications from a recognized water safety instruction organization stating that the child has successfully completed a swimming class which required the child to swim a distance of 15 yards unassisted.

number of children present under the age of thirteen years may not exceed twelve, and the space requirements of 35 square feet per child (Rule .13(1) (a)) must be met.

- (a) Effective one year from the effective date of this chapter, an employee who must be at least 16 years of age must be present to assist with supervision whenever:

more than three children under age of 12 months are present; or

more than six children under the age of three years are present; or

more than eight children under the age of five years are present.

### **Explanation**

This includes the provider's children and children who are in care for no pay who are under 13 years old. The presence of other children in the provider's home, whether related children or children present for no pay, directly impacts the provider's ability to adequately care for the family day care children. An additional helper under the situations described in the rule will improve the level of supervision, personal contact, and assure that the basic needs of children are met.

### **Indicator**

Complete the listing of all children present, their age, and status (related, not for pay, etc.) on the inspection form.

- (7) If children are allowed to participate in water activities where the water is over two feet in depth, the provider or an adult shall supervise such activities and must have successfully completed a training program in life guarding offered by a water-safety instructor certified by the America Red Cross or YMCA or other recognized standard setting agency for water safety instruction.

(a) For water-related activities where water is over two feet in depth, the following staff/child ratios shall be maintained:

<u>Ages of Children</u>	<u>Staff/Child Ratio</u>
Under 2 1/2	1:2
2 1/2 to 4 years	1:5
4 years' older (who cannot swim a distance of 15 yds. unassisted)	1:6
4 years' older (who can swim a distance of 15 yds. unassisted)	1:8

### **Indicators**

Ask the provider if children participate in water activities; describe these on the checklist form. Ask the provider to state her plans for supervision of children during water-related activities to assure that the rule is met. Ask about the lifeguard provision and how this is met. If the provider or another adult has the lifeguard training, ask to see the person's current certification card. If possible observe staffing/supervision of children during water activities.

Check the records of children four years and older for certificates or cards from an organization recognized for water safety instruction, such as the American Red Cross, YMCA, etc., which verifies that the child has passed a swimming test. The provider or other adults may verify that they have observed the child swim a distance of 15 yards.

### **Explanation**

When children participate in swimming activities, the risks increase in direct proportion to the depth of the water and as the numbers of active, playful children increase. Additional supervision is essential to protect the children's safety. The assistant to the adult must be at least 16 years old.

If the children are taken to a public pool and the lifeguard is an adult certified per the rule, can be counted as the trained person. However, the provider is responsible for meeting the ratio requirements contained in the rule to assure that the children are adequately supervised.



## 290-2-3-.08

## Records.

- (1) The home shall maintain current and updated individual records on each child in care. Such records shall include:
  - (a) Identifying information (child's name, birth date, parent's name, home and business addresses, telephone numbers);
  - (b) Name, address and telephone number of persons including child's physician to contact in emergencies;
  - (c) Evidence of age-appropriate immunizations, or a signed affidavit certifying that the required immunizations conflict with the religious belief of the parent or guardian or a physician statement that immunization is contraindicated;
  - (d) Written authorization for the child to receive emergency medical treatment when the parent is not available;
  - (e) Documentation of any medications given as described in rule .11(1)(e);
  - (f) Record of any allergies and other known medical problems;
  - (g) Description of accidents or serious illnesses occurring while child is in the family day care home, including date, time and condition under which it occurred and the action taken;
  - (h) Parental agreements for transportation, field trips, swimming and/or other activities away from the home if the child will be participating in these activities;
  - (i) Name of person(s) to whom the child may be released.

**Explanation**

A record containing all required information listed must be maintained on each child enrolled for care for whom pay is received. Immunizations are required by Georgia law. Parents or providers may obtain immunization forms from the county health department. Documentation of accidents or serious illnesses is needed only for those required professional medical treatment. This rule, if met, will ensure that the provider has the information on hand to adequately care, for each child and to act appropriately in any emergency. It is recommended that providers have this same information on any other children present that are not the provider's own children.

**Indicators**

Review the record for each child enrolled for pay for compliance with each requirement contained in the rule. Inquire about accident/ injury reports (Rule (g)) and review any that are available.

- (2) Documentation of family relationships for related children, other than the provider's own children, cared for in the home shall be maintained and shall include a notarized statement by the related child's parents attesting to the relationship.

- (3) Documentation of the non-pay status or children in care for whom no pay is received shall be maintained and shall include a notarized statement by such child's parents attesting to the non-pay status.
- (4) Copies of satisfactory criminal records check determinations, or preliminary records check applications and (fingerprint) records check applications, if determinations are in the application process, shall be maintained in the home by the provider.
- (5) Documentation of all required training required by these rules shall be maintained in the home by the provider, and shall include the title of training courses received by the provider and any staff, the dates and the number of hours of the courses, and the names of the trainers or sponsoring organizations.
- (6) If applicable, documentation of approved water and sewage disposal systems shall be maintained in the home by the provider.
- (7) Documentation of monthly fire drills required by rule .11(2)(c) shall be maintained in the home.

### Explanation

These rules ensure that documentation exists to verify compliance of the status of other children present, criminal records checks, training, and other requirements contained in the rules.

(2 & 3) Forms to document relationship and/or non pay status will be provided upon request by the department. Parents may be notified by the department to verify the information on these forms. "no pay" means in cash or in kind, such as providing food, supplies or equipment, paying the provider's utility bills or anything similar.

(4) Keep a copy of criminal records check applications sent to the Department if results have not been received.

(5) Training certificates received are acceptable if they contain all required information.

(6) Written approval on water/sewage must be obtained from those authorities having jurisdiction; this is usually the County Health Department. If the local Health Department is not able to inspect these, hopefully they can refer the provider to an appropriate source. Private plumbing companies can be used. Wells come under the jurisdiction of the Department of Natural Resources. This approval is not necessary if the water supply and sewage are part of a city/county system.

**(7) A listing of the date, time of drill, and length of time taken to evacuate the home is to be kept.**

### Indicators

Ask the provider for the required documentation so that it can be reviewed.

**290-2-3-.09****Children's Activities.**

- (1) Opportunities shall be provided for the children to participate in a variety of age-appropriate learning and play activities.
- (2) Children shall be helped to develop skills in all areas (washing, dressing, toileting, etc.) appropriate to the age and ability of the child.
- (3) Children shall spend some time of each day outside when the children's health and the weather permits.
- (4) There shall be a supervised nap period during the day for preschool age children.
- (5) Infants and toddlers shall not routinely be left in cribs, or playpens except for rest or sleep.
- (6) The use of entertainment media, such as television programs or video tapes, and computer games shall be limited to programs, tapes, and software that are produced for the benefit of audiences comprised of young children. such uses of the entertainment media shall be used only in addition to other activities, shall not be the primary source of children's activities, and should be limited to no more than two hours daily.

**Explanation**

The intent of these rules is to ensure that children are exposed to different types of learning and play activities that are appropriate to their age and that will develop their independence and abilities.

(3) Outside time is needed to give children fresh air and sunshine and to allow them to release pent-up energy. Infants also need the stimulation of being outside.

There is no minimum amount of outside time specified in the rule and providers must use their own judgment in deciding when it is acceptable and not acceptable to go outside. Children must be supervised during both outside and inside activities.

(4) If children are napping in different rooms, the provider must be providing the required oversight specified in the definition of supervision. She must visually check on the children throughout the nap period and shall remain within sight or hearing distance at all times. Doors to the room(s) where children are napping are to remain open. Rooms used for napping shall be grouped in the same general area to provide for adequate supervision. Infants and toddlers should be grouped together. Children must not nap on different floors of the home unless an adult is present on each floor. Intercom systems, if used, do not substitute for supervision. Children who are ill or with known physical problems shall be directly supervised at nap time.

(6) The two hour limitation to use of media is recommended, not required.

**Indicators**

Observe children's activities and adult/child interactions, both inside and outside if possible. Observe naptime, if possible. If not, discuss how the provider assures that all children are properly supervised during naptime/sleeping activities. Talk with the provider about daily activities and the use of television or other media.

**290-2-3-.10 Nutrition and Food Services.**

- (1) Children shall be served all meals and snacks scheduled for the period of time in which they are present in the home. This includes breakfast or a morning snack, lunch, an afternoon snack, supper (if the home offers evening care), and an evening snack prior to bedtime (if the home offers night time care).**
- (2) Meals and snacks with serving sizes dependent upon the age of the children shall be nutritious, well balanced, and varied. Lunch and supper meals shall consist of vegetables or fruit or both; meat, poultry, fish cheese, eggs, or protein substitute, bread; and milk unless the child has a specific health reason for prohibiting milk.**

**Explanation**

The purpose of these rules is to ensure that children receive nutritious meals and snacks during the time they are in care. Either breakfast or a morning snack is acceptable both are not required. If a child cannot drink milk for health reasons, a doctor's statement to this effect should be on file.

**Indicators**

Observe meals/snacks for nutritious content, if possible. If not possible, discuss the meal/snack schedule with the provider, including content. Review, written menus if available, but these are not required.

- (3) Powdered nonfat dry milk shall not be used except for cooking purposes.**
- (4) The provider shall secure from the parents infant formula and a feeding plan for children under 1 year of age.**
- (5) Infant formula bottles shall be labeled with the individual child's name. Any unused formula or milk shall be discarded or returned to the parent at the end of the day.**
- (6) Infants under six months of age and older children who cannot hold their own bottles or sit alone shall be held during feeding. Baby bottles shall never be propped and the infant's head shall be elevated while feeding.**

**Explanation**

Powdered milk is of lower nutritional value than fluid milk and therefore is not acceptable for drinking.

Formula bottles should be marked to make sure infants receive the formula intended for them. Unused formula or milk should be discarded to reduce the risk of contamination.

When formula or expressed milk is provided by parents, it should be provided in separate bottles; however, if a parent does not supply enough bottles, a child's individual bottle may be reused provided it is properly cleaned, rinsed, and sanitized between uses. Only commercially prepared formula is to be used in this case.

If a container of milk or formula is provided by parents, the container should be labeled with the child's name, refrigerated, and used only for that child.

If the provider supplies the formula, only commercially prepared, ready-to-feed formula shall be used. The mixing of any formula presents a higher risk of contamination.

Many complications have been associated with the propping of bottles, i.e., choking, accelerated tooth decay, an increase in ear infections, etc.

### **Indicators**

Observe the use of any powdered milk; ask the provider about its use if any is seen in the kitchen/pantry.

Review infant feeding plans; check for evidence of periodic updating. A plan is not required once a child reaches one year of age.

Check all formula bottles to ensure they are labeled about procedures for handling unused formula.

- (7) Food shall be in sound condition, free from spoilage and contamination, and shall be safe for human consumption.**
- (8) All perishable and potentially hazardous foods shall be refrigerated at a temperature of 45 degrees or below and shall be served promptly after cooking. Hot foods shall be maintained at a temperature of 140 degrees or above except during serving.**

### **Explanation**

These rules address the control of food borne illness and possible spoilage which can happen if food is not handled properly. Food products should be USDA inspected; dented, rusted, swollen, leaking, or unlabeled cans of food should not be used; home-canned foods, packages of food that are damaged, and foods which have expired dates on the package should not be used because of possible contamination. Boxes of food (cereal, cookies, etc.) should be kept closed after use and any inner packaging kept tightly rolled down.

### **Indicators**

Check food for the conditions specified; notice any damaged cans or packages, check expiration dates.

Check the temperature of the refrigerator. Observe food preparation practices. If a problem is suspected, check the temperature of foods.

- (9) Food stored in containers such as cans, jars, and boxes shall be stored above the floor on clean surfaces.**

- (10) Garbage shall be stored in trash containers with lids and emptied and cleaned as needed. Areas around outdoor containers shall be kept clean.**
- (11) Chipped or cracked dishes shall not be used.**
- (12) Food preparation surface areas shall be nonporous with no cracks or unsealed seams.**
- (13) Food preparation areas and equipment shall be kept clean and free of accumulation of dust, dirt, food particles, and grease deposits.**

### **Explanation**

Proper storage of food can prevent contamination and make cleaning of the kitchen area easier. Garbage should be properly stored to prevent roach/insect infestation. Chipped or cracked dishes can harbor bacteria and cannot be properly cleaned. Nonporous surface areas means that counter tops and other food preparation surfaces are smooth, impervious to water, and easy to clean. If wooden utensils are used, they must be properly cleaned and sanitized. Wooden cutting boards are acceptable for use if made of hardwood. Seams that are integral parts of counter tops do not have to be sealed so long as the area is kept clean. If any cracks or other areas are sealed, a waterproof sealant should be used.

### **Indicators**

Observe the kitchen food storage areas for the conditions in the above rules. Observe storage of garbage and cleanliness of outdoor garbage areas.

- (14) The person preparing meals shall wash their hands and arms thoroughly with soap and warm water before starting food service work and as often as necessary during food preparation and serving to remove soil and contamination.**
- (15) Non-disposable dishes and silverware shall be properly cleaned by pre-rinsing, or scraping, washing, sanitizing and air drying.**
- (16) Children shall not share eating or drinking utensils.**

### **Explanation**

Proper hand washing before and during meal preparation will prevent contamination of food and the spread of infection.

Proper cleaning of dishes, silverware, and other utensils used in cooking also prevents the spread of infection. Pots and pans used in the cooking process only need to be washed, rinsed and air dried steps for washing non-disposable dishes, glasses and silverware are:

- 1) Scrape or pre-rinse;
- 2) Wash thoroughly in a hot detergent solution. Wash water must be kept clean with sink refilled as often as necessary;

- 3) Rinse in clear, warm water;
- 4) Immerse in sanitizing agent. One sanitizing agent is any standard brand chlorine bleach. The recommended amount is 3/4 - 1 1/2 tablespoons of bleach to one gallon of water;
- 5) Air dry. Never dry or drain clean dishes on drying cloths. A dishwasher may be used if a temperature of 150 degrees is reached or chlorine bleach may be added to the rinse cycle if the home does not have a septic tank.

**Indicators**

Observe hand washing practices. Observe dish washing practices. Ask provider about these practices. If a dishwasher without a sani-cycle is used, check the water temperature in the dishwasher during the rinse cycle, using the special thermometer provided.

Observe to see if children are sharing any utensils.

- (1) **Health**
- (a) **The Department's current communicable disease chart of recommendations for exclusion of sick children from the home and their readmission shall be followed. Such chart shall be provided by the Department.**

### **Explanation**

Exclusion is appropriate when a child has both a temperature (101 degrees or higher) and another contagious symptom, such as a rash, or diarrhea, or sore throat. Refer to the Bright From the Start Communicable Disease Chart in the Appendix and follow its recommendations. This will assist both providers and parents with decisions regarding the needs of children who are ill and the other children in the center.

### **Indicator**

Talk with the provider about the use of the Communicable Disease Chart and ask her to give examples of its use. In case of a complaint or a reported incident, specific information about the incident should be obtained from the children's records and by interviewing the provider.

- (b) **Age appropriate immunization, or an affidavit or physician's statement as described in rule .08(1) (c) shall be required for each preschool age child upon admission to the home or within 30 days thereafter.**

### **Explanation**

Georgia Law requires children to be immunized in accordance with their age; verification forms for immunizations can be obtained from the Health Department. The law provides for exceptions only for religious reasons or specific health reasons; in these cases, a statement must be on file from the child's parent for religious reasons or from the child's physician, if health reasons contraindicate immunizations.

### **Indicator**

Immunizations records are to be checked when children's records are reviewed.

- (c) **Parents of any child who becomes ill or is injured while in care shall be notified immediately of any illness or injury requiring professional medical attention, or any illness which may not require professional medical attention but which produces symptoms causing moderate discomfort to the child, such as, but not limited to, any of the following: elevated temperature, vomiting or diarrhea.**
- (d) **The home shall obtain emergency medical services when required by a child's condition.**



**Explanation**

Professional medical attention may be required if treatment of the illness or injury is beyond the scope of routine first aid, as determined by the provider. It may not be necessary to remove the child from the home; however, parents should be notified and the child's condition closely monitored. If a sick child is moved to a separate area, the child must be supervised until he returns to the group or parents arrive for him.

The availability of 911 Service meets the requirement for emergency medical services; otherwise, the provider must make prearrangements with a local doctor or emergency room and these should be in writing.

**Indicator**

Discuss procedures for handling sick or injured children with the provider. Ask about arrangements for emergency medical services. If not 911 service, ask for written agreement.

- (e) Except for first aid, personnel shall not hand out prescription or nonprescription medications to a child without specific written authorization from the child's physician or parent.**

**All medications shall be stored in accordance with the prescription or label instructions and kept in places that are inaccessible to children. Each dose of medication given to a child shall be documented showing the child's name, name of medication, date and time given, and the name of the person giving the medication.**

**Explanation**

These procedures will help protect children from receiving improper medication, incorrect dosages, and ensure that the provider is properly authorized to give medications to children.

The documentation required by the rules is not needed for nonprescription topical medications such as Desitin, Vaseline, etc; however, it is recommended that parents written permission/instructions be received for their use also.

Authorizations to give medicines should be limited to a two-week period, unless otherwise prescribed by a doctor or for a child who has a chronic condition that requires consistent, long-term medication. This should be noted on the authorization form signed by the parent. Also, a parent can renew an authorization by signing a new form at the end of the two-week period, if necessary, to continue medication.

**Indicators**

Review any medication authorization forms on hand; check medicines to be sure all are in original container, properly labeled, and properly authorized.

- (f) The following first aid supplies, along with a manual of instructions, shall be maintained in a central location inaccessible to the children:**

scissors, tweezers, gauze pads, thermometer, adhesive tape, syrup of ipecac (to be used only upon the advice of a physician or poison control center), band-aids, insect-sting preparation, antiseptic cleaning solution, antibacterial ointment, bandages, disposable rubber gloves, and cold pack.

### **Explanation**

The items listed for inclusion in first aid supplies meet the approval of the American Red Cross. Syrup of ipecac is used to induce vomiting only upon the advice, of a physician or poison control center. It also has an expiration date and should be kept fresh. Antibacterial ointments include, but are not limited to Bacitracin and Neosporin. Insect sting preparations may be over-the counter remedies or home remedies (meat tenderizer, wet tobacco, baking soda, etc.) Antiseptic cleaning solutions include, but are not limited to, beta dine, alcohol, alcohol wipes, hydrogen peroxide, etc. A cold pack can be a plastic bag of ice kept in the freezer or a frozen, wet sponge in a plastic bag. Gloves must be disposable and discarded after each use. Bandages can be any type which can be used to make a sling.

### **Indicator**

Check first aid supplies. Make sure they are centrally located but not accessible to children. Make sure the first aid instruction manual is included. Observe diapering practices per the rule and discuss these. Ask the provider about the type of disinfectant used, if a child is not changed in his own crib.

- (g) Diapers shall be changed in the child's own crib or on a nonporous surface which is cleaned with a disinfectant and dried with a single use disposable towel after each diaper change.**

### **Explanation**

A non-porous surface is one that is smooth, has no cracks or seams and is made of material that liquids cannot penetrate, such as Formica or hard plastic. The surface must be cleaned easily. Those things are not required if a child is changed in his own crib.

It is not acceptable to change a diaper on the provider's lap, on the floor, on sheets, or towels, or in any other way than what is described in the rule. Diapering is highly associated with the spread of infection among children and caregivers. For this reason, it is essential that proper diapering practices and good hand washing practices are followed. Children who may have outgrown cribs but are still in diapers must be changed on a non-porous surface.

For disinfecting a non-porous surface, the American Academy of Pediatrics recommends using a sanitizing solution of  $\frac{1}{4}$  cup household bleach to one gallon of water. This solution must be prepared daily because it deteriorates rapidly. It should be stored out of the reach of children.

If a commercial disinfectant (such as Lysol) is used instead of the above solution, the manufacturer's label should indicate that the product kills bacteria, viruses, and parasites, and it should be used according to the instructions on the label.

Observe diapering practices per the rule and discuss these. Ask the provider about the type of disinfectant used, if a child is not changed in his own crib.

- (h) Soiled diapers and linens shall be disposed of in a closed container and personnel shall wash their hands with soap and running water immediately after each diaper change.**

**Explanation**

Hand washing and proper disposal of soiled items is essential to reduce the spread of infection.

Clothing which is extremely dirty or is soiled with body waste should be changed. Diapers should be checked often and changed when wet. Children's noses should be kept wiped; hands should be washed as needed.

**Indicator**

Observe children per the rule.

- (k) Pets in the home shall be vaccinated in accordance with the requirements of the local county Boards of Health. Unconfined pets shall not be permitted in child care areas when children are present except for supervised learning experience.**

**Explanation**

Observe child care areas for smoking. Ask the provider about smoking in the home during hours of operation. Confirm that parents are given a copy of the Parent's Handbook. Pets must be restricted from the child care areas, both inside and outside, when children

- (j) Children shall be kept clean, dry, and comfortable.** are present except for supervised learning experiences. The outside play area should be checked for pet waste before used by children if pets have access to the area at other times.

**Indicator**

Ask the provider about the presence of any pets; present, ask to see rabies vaccination certificates.

**(2) Safety**

- (a) A home shall have a written plan for handling emergencies, including but not limited to fire, severe weather, loss of electrical power or water, and death, serious injury or loss of a child, which may occur at**

**the home. No home personnel shall impede in any way the delivery of emergency care or services to a child by licensed or certified emergency health care professionals.**

### **Explanation**

It is important to know how to handle emergencies before they occur. Emergency situations are not conducive to calm and composed thinking. Drafting a written plan provides the opportunity to prepare and to prevent poor judgments made under the stress of an emergency. The American Academy of Pediatrics offers some general guidelines for handling emergencies, which are summarized below:

Planning for evacuation in case of fire, flood, tornado, sudden loss of heat, water, or other disaster, is essential. Fire emergency plans should include the use of direct and alternative exit routes and practice of evacuation drills at different times of the day, including nap time. Practice drills should be held once a month. All children should be safely evacuated to a prearranged location within two minutes of an alarm.

The prevention, control, and management of injuries are based on careful planning and continual updating of procedures and contact information. Contact information for parents and physicians of individual children must be kept current. When an accident occurs, much can be learned about prevention from the way in which the accident happened and the way it was handled. Periodic review of injury reports can reveal injury patterns that can be prevented.

Physicians, nurses, public health authorities, and fire safety and civil defense personnel are usually willing to act as consultants to programs.

### **Indicator**

Ask to see the emergency plan and review it for completeness.

**(b) An operable telephone shall be readily available in the home with the following telephone numbers posted in a conspicuous place next to the telephone. In those areas of the state services by the 911 emergency number, 911 may be posted in lieu of the phone numbers required for 2, 3, and 4, below:**

- 1. A physician or hospital,**
- 2. An ambulance or rescue squad service,**
- 3. The local fire department,**
- 4. The local police department,**
- 5. The county health department, and**
- 6. The regional poison control center.**

**(c) The home shall practice fire drill procedures with children at least monthly. Such drills shall be documented and maintained on file for one year.**

**Explanation**

The listing of the above phone numbers should be immediately visible and posted near the telephone. Listing numbers inside the cover of a telephone book is not acceptable since the book could be easily misplaced or removed from the area.

**Indicators**

Check to make sure a working telephone is available and that emergency numbers are easily posted. Review documentation of fire drills.

- (d) Children shall not have access to hanging cords or other hazardous objects.**
- (e) Clear glass doors shall be marked to avoid accidental impact.**

**Explanation**

Hanging cords are strangulation hazards; clear glass doors are not always obvious and children often collide with them causing injuries.

**Indicators**

Stickers, colored tape, paper, etc. may be attached at children's eye level to make presence of these doors obvious. Check for presence of any hanging cords from window treatments or other hazardous objects; observe where children nap to make sure that no window blind cords or similar items are accessible.

Check to see that clear glass doors are marked at children's eye level.

- (f) Poisons, medicines, cleaning agents, razors, aerosol cans and other potential hazardous materials shall be stored out of reach of children or in locked cabinets.**
- (g) Firearms shall be stored so they are not accessible to children.**
- (h) At least one UL Approved smoke detector shall be on each floor of the home and such detectors shall be maintained in working order. At least one 2-A:5-B:C fire extinguisher shall be kept in the child care area to be located no more than thirty feet from the kitchen. The extinguisher shall be maintained in working order and shall be inaccessible to the children.**
- (i) Flammable liquids, such as gasoline or kerosene, shall not be stored inside the home.**

**Explanation**

These are basic requirements which will enhance the overall safety of the children. Tools, knives, lawnmowers, gasoline, and similar items are hazards if accessible to children. Any area which is used by the children should be closely checked for items (f), (g), and (i). This includes any areas used as passageways by the children, such as screened porches, garages, etc.

A 2A rated multipurpose (or ABC) dry chemical fire extinguisher is acceptable.

Smoke detectors and fire extinguishers should be checked periodically to make sure they are operable. Firearms must be in a locked location.

### Indicators

Observe child care areas for the above items. Note location of smoke detector(s) and fire extinguisher. Check to see that both are in working order, i.e., test the detector and check tag on extinguisher. Ask the provider if there are any firearms in the home and where they are stored; check to verify they are in a locked location.

- (j) If children are transported in an automobile by the provider or a home's employee, the driver shall have a current driver's license and children shall be restrained by either individual seat belts or appropriate child restraints in accordance with state law. No child shall be left unattended in a motor vehicle.**

### Explanation

Failure to properly restrain children poses an unacceptable risk and is a violation of state law. Children three years and older may be restrained by an individual seat belt. Younger children must be restrained in an appropriate child passenger restraint according to state law.

### Indicators

Ask if transportation is ever provided. This includes any field trips. If indicated, ask to see a current driver's license, the vehicle used, and ask the provider about proper restraint use. If children under three are transported observe that child passenger restraints are available for their use.

- (3) Discipline. Disciplinary actions used to correct a child's behavior, guidance techniques and any activities in which the children participate or observe at the home shall not be detrimental to the physical or mental health of any child.**

- (a) A provider or a home's employees shall not:**

- 1. Physically or sexually abuse a child, or engage in or permit others to engage in sexually overt conduct in the presence of any child enrolled in the home, or**
- 2. Inflict corporal/physical punishment upon a child, or**
- 3. Verbally abuse or humiliate a child which includes, but is not limited to, the use of threats, profanity, or belittling remarks about a child or**
- 4. Isolate a child in a dark room, closet, or unsupervised area, or**
- 5. Use mechanical or physical restraints discipline or devices to children, or**

6. Use medication to discipline a child, or control children's behavior without written medical authorization issued by a licensed professional and given with the parents' written consent.
7. Discipline a child by restricting unreasonably a child from going to the bathroom; or by punishing toileting accidents; or by force feeding a child; or by not feeding a child regularly scheduled meals and/or snacks; or by forcing or withholding naps; or by allowing children to discipline or humiliate other children; or by confining a child for disciplinary purposes to a swing, high chair, infant carrier, walker or jump seat.
8. Commit any criminal act, as defined in Georgia law which is set forth in O.C.G.A. Sec. 16-1-1 et. seq., in the presence of any child enrolled in the home.

### Explanation

Disciplinary actions should help a child to develop self-control and not result in any physical or emotional damage. Non-punitive methods of controlling behavior, such as separating children, diverting children's attention, "time-out" techniques, etc. are more effective than use of physical punishment, criticism, or other similar techniques. Permission or instructions by parents to use physical punishment does not relieve the provider from adhering to these rules.

"Devices" such as hot sauce, lemon juice, vinegar, mouthwash and soap are not permitted as means of discipline for biting or other unacceptable behaviors. Some children may have allergic or other adverse reaction to their use.

### Indicators

Ask the provider what disciplinary techniques are used; observe interactions between the provider and children; notice the language and tone of voice used; observe to see that children are allowed to go to the bathroom when a need is expressed. If children are in swings, high chairs, infant carriers, jump seats, look for signs of frustration or fatigue and notice any children trying to escape the equipment, since such equipment is not designed for restraining children against their will.

At times it will be appropriate to talk with children who are verbal about the methods of discipline used; this will always be done as part of a complaint investigation where inappropriate disciplinary techniques are alleged, but could be done at other times also.

**290-2-3-.12 Equipment and supplies.**

- (1) The home shall provide a variety of age-appropriate toys, looks, and plan equipment and materials to insure that each child shall have opportunity to experience and participate in a variety of activities.**
- (2) Provision shall be made for each child to have a comfortable, clean place to nap. A crib with a waterproof mattress shall be provided for each child under one year of age.**

**Explanation**

Mats or cots are not required for napping, but if used they are to be covered with a clean sheet. If family beds or sofas are used, they should be covered with a clean sheet. No more than two children should share a double bed. Thickness of the mattress is not specified. Cribs are required for infants and should not be used for children if they have gotten large enough to climb out of the crib. Playpens may be used for napping for toddlers if appropriate for the child's size.

**Indicators**

Observe toys and learning play equipment present; is the amount appropriate for the numbers and ages of children present.

Ask the provider to identify the equipment used in napping; check to see that each is clean and that a crib is provided each infant per the rule.

- (3) Individual or disposable wash cloths and towels shall be provided.**
- (4) Furnishings and equipment shall be kept clean and in a safe usable condition.**

**Explanation**

Disposable wash cloths and towels are not to be reused; if other types are used, each child must have his own; it should be marked with the child's name and laundered at least daily. Sharing of these items will spread diseases and infections.

**Indicators**

Observe wiping of faces, hands, children's own hand washing, etc., per the rule.

Check the furnishing and equipment used by the children for safety and cleanliness. Toys used by children under three should particularly be observed for cleanliness and for safety of detachable small parts that could be swallowed.



- (1) The home's building shall be kept clean and free from obvious hazards to the children's health and safety.**
- (a) The areas used for child care shall provide a minimum of 35 square feet of usable floor space per child.**

**Explanation**

Adequate space should be provided for growth and development through exploration, freedom of movement, etc. According to the American Academy of Pediatrics, crowding reduces the ability to control the spread of infection and has a negative effect on children.

Children may use several areas or just one room as long as at least 35 square feet of space per child is available and supervision can be provided. Children should be housed in open, well-ventilated areas from which a quick evacuation can be made in case of fire or other emergency.

**Indicator**

Observe the area(s) used by the children. Routine measurement of available space is not necessary unless the area used is obviously inadequate, is highly cluttered, and children appear crowded. Adequate space must be provided for the number of children present under age 13, regardless of relationship or pay status, up to the maximum of 12. There will be more situations where measurements of child care areas will be needed.

- (b) Basement areas in excess of 25 linear feet from a window shall not be used for housing children.**

**Explanation**

Basement areas are not usually conducive to quick emergency evacuation; many times they contain lower ceilings and poor lighting.

**Indicator**

Observe any basement area in use per the rule.

- (c) Furniture and equipment shall be arranged so as not to interfere with exits.**
- (d) The home shall be kept free of fire hazards and unnecessary or excessive combustible material.**
- (e) When in use, radiators, open fire, oil or wood burning stoves, floor furnaces and similar hazards shall have barriers or screens to prevent children from being burned.**
- (f) Unvented fuel fired heaters shall not be used unless equipped with an oxygen depletion safety shut off system.**

**Explanation**

Vented fuel fired heaters are acceptable. Indicators

**Indicators**

Observe exits used by children and the storage of any combustible materials (paper, cloth, rags, etc.). Observe use of fireplaces or other heating devices specified to make sure barriers are used. If not *in* use, discuss with provider. If any unvented fuel fired heaters are observed, ask about their use and, if used, ask for verification that oxygen depletion safety shut off system has been installed.

- (g) **Multiple plugs and electric extension cords shall not be used. Electrical outlets within reach of children shall be plugged or covered.**
- (h) **Fans shall be positioned or installed so as to be inaccessible to the children.**
- (i) **Measures shall be utilized to prevent the presence of rodents, flies, roaches and other vermin on the premises. Windows and doors used for ventilation shall be screened.**

**Explanation**

Multiple plugs which have a breaker on them are acceptable and if used must be used with the switch on. These have a light to show that the breaker is on.

Any holes in floors, walls, doors, screens, ceiling, and under sinks around pipes should be closed. Poisons and baited traps should never be used in a way that places children's safety at risk.

**Indicators**

Observe use of extension cords and fans; check to see if electrical outlets within children's reach are covered if not in use. Check any open windows and doors for presence of screens. Ask the provider about pest control methods.

- (j) **Water supply and sewage disposal systems, if other than approved county or city systems, shall be approved by the proper authority having jurisdiction.**
- (2) **Outside grounds and play areas shall be kept clean and free of obvious hazards to the children's health and safety.**
  - (a) **Outside play areas shall be free of hazards such as, but not limited to exposed sharp edges of concrete or equipment, broken glass, debris, open drainage ditches, holes and stagnant water.**
  - (b) **Climbing and swinging equipment that are not portable shall be securely anchored to eliminate accidents or injuries.**

**Explanation**

Water/sewage approvals are to be obtained through the local health department unless already part of county or city system. In some cases, private plumbing companies may need to be used. For wells, the Department of Natural Resources has current jurisdiction.

Any concrete used to secure or anchor the equipment should be covered so that no sharp edges are exposed. Yard equipment (i.e., shovels, picks, mowers), should be stored outside children's play areas. If a storage house containing hazardous items is in the play area, it is to be kept locked.

**Indicators**

Ask about water supply & sewage; review approvals if these are needed.

Observe outside areas used by children for conditions in the rule.

- (c) Such outside play areas shall be protected from traffic or other hazards by fencing or other barriers at least four feet in height and approved by the department. Fencing material shall not present a hazard to children. A fence shall be provided around swimming pools to make them inaccessible when not in use.**

**Explanation**

A fence is always required around a swimming pool and it must be kept locked when not in use.

It is preferable for a fence/barrier to be constructed of solid, sturdy material such as chain link or smooth wood, but this is not required. Wire, wood, or other material sufficiently sturdy to provide protection is acceptable. However, the department can approve a natural barrier such as a thick hedge, particularly in rural settings. Natural barriers should be free of hazards such as thorns, poisonous shrubs, etc., and should be sufficiently dense to prevent children from leaving the play area. Portable barriers may be acceptable in some circumstances; however, such barriers must be approved by the department.

**Indicators**

Observe the area used for outside play and the barrier used to protect the area per the rule. Consider the location of the area relative to traffic/other hazards and the ages of the children who will be using it in evaluating barriers other than a fence. The approval of other barriers must be done through the Regional Director to assure consistency.

290-2-3-.14

## Reporting.

- (1) Within twenty-four (24) hours or the next work day, the home shall report the following to the Child Care Licensing Office.
  - (a) Any death of a child while in the care of the home;
  - (b) Any serious illness or injury requiring hospitalization or professional medical attention other than first aid administered by the provider;
  - (c) Any fire;
  - (d) Any structural disaster; and
  - (e) Closing of the home.
- (2) Any suspected incident of child abuse, neglect or deprivation shall be reported to the local county Department of Family and Children services in accordance with O.C.G.A. Sec. 19-7-5, and to the Child Care Licensing Office.

**Explanation**

The provider is required by law to report any situation in which there is reasonable cause to believe that a child has been abused, neglected, or deprived. The provider is required to report the situation to the local Department of Family and Children Services by law. These rules also require that this be reported to licensing.

A report of suspected child abuse can be made by contacting (by telephone) the county office of the Department of Family and Children Services (DFCS). The local DFCS office can also provide additional information about reporting procedures. Additional information on child abuse (educational brochures, workshops, volunteer services, support groups, etc.) can be obtained from the Georgia Council on Child Abuse, Inc., in Atlanta (404) 870-6565, or 1-800-532-3208 Georgia toll-free.

- (3) Any cases or suspected cases of notifyable communicable Diseases shall be reported to the local county health department in accordance with rules of the Department regarding Notification of Disease, Chapter 290-5-3, and to Bright From the Start: Georgia Department of Early Care and Learning.

**Explanation**

Refer to the Department's Communicable Disease Chart which designates those diseases that are reportable.

**290-2-3-.15****Enforcement and Penalties.**

**Enforcement of these rules and regulations shall be done in accordance with Rules and Regulations for Enforcement of Licensing Requirements, Chapter 290-1-6, and O.C.G.A 49-5-12 and 49-5-12.1, Penalties for Violation of Child Welfare Agency Laws and Regulations.**

- (a) If the Department finds that a registrant has violated any provision of these rules or other laws, rules, regulations, or formal orders related to initial or continued registration, it may, subject to notice and opportunity for hearing, take any of the following actions: administer a public reprimand; limit or restrict a registration; suspend a registration; impose a fine; refuse to renew a registration, or revoke a registration.**

**290-2-3-.16****Waivers and variances.**

The Department may, in its discretion, grant waivers and variances of specific rules upon application or petition being filed on forms provided by the department. The department may establish conditions which must be met by the home in order to operate under the waiver or variance granted. waivers and variances may be granted in accordance with the following considerations:

- (a) **Variance.** A variance may be granted by the Department upon a showing by the applicant or petitioner that the particular rule or regulation is the subject of the variance request should not be applied as written because strict application of the rule would cause undue hardship. The applicant or petitioner must also show that adequate standards affording protection for the health, safety and care of the children exist and will be met in lieu of the exact requirements of the rule or regulations in question.
- (b) **Waiver.** The Department may dispense entirely with the enforcement of a rule or regulation by granting a waiver upon showing by the applicant or petitioner that the purpose of the rule or regulation is met through equivalent standards affording equivalent protection for the health, safety and care of the children.
- (c) **Experimental Variance or Waiver.** The Department may grant waivers and variances to allow experimentation and demonstration of new and innovative approaches to delivery of services upon a showing by the applicant or petitioner that the intended protections afforded by the rule or regulation which is the subject of the request are met and that the innovative approach has the potential to improve service delivery.

**Explanation**

Forms used to apply for a waiver or variance can be obtained from Bright From the Start: Georgia Department of Early Care and Learning.